

A JOINT MEMORIAL

REQUESTING CONGRESS TO ENACT FEDERAL LEGISLATION THAT ADDS UNPAID LOCAL AND STATE FINES AND FEES TO THOSE DELINQUENT OBLIGATIONS THAT CAN BE INTERCEPTED THROUGH THE UNITED STATES DEPARTMENT OF THE TREASURY OFFSET PROGRAM.

WHEREAS, the legislature has found that it is necessary to consider and impose substantial budget reductions for the remainder of fiscal year 2009 as well as for fiscal year 2010; and

WHEREAS, when faced with the challenge of trying to assure the soundness of the state's budget without negatively affecting vital state programs, any alternative source of revenue is important; and

WHEREAS, more than nine thousand individuals have outstanding fines and fees ordered by a court in New Mexico, which fines and fees total just under two million five hundred twenty-one thousand dollars (\$2,521,000); and

WHEREAS, allowing the payment of court-ordered fines and fees to be ignored diminishes public respect for the courts and the rule of law; and

WHEREAS, New Mexico has a tax refund intercept system on the state level, pursuant to Chapter 7, Article 2C NMSA 1978, that has collected nearly one hundred fifty thousand dollars (\$150,000) in unpaid fines and fees for the benefit of the

judiciary in each of the past three fiscal years, after collecting unpaid amounts in delinquent taxes, child support and other obligations; and

WHEREAS, under existing federal legislation, the internal revenue service already intercepts tax refunds for federal and local taxes, child support and other delinquent obligations; and

WHEREAS, both chambers of congress are considering legislation that would create a tax intercept program in which unpaid state and local fines and fees would be intercepted from a taxpayer's refund through the internal revenue service; and

WHEREAS, the proposals under consideration in congress would add a tax refund intercept for unpaid fines and fees only after satisfaction of state and local obligations already in the federal law, so that state and local programs would continue intercepting federal refunds at their current levels; and

WHEREAS, it is conservatively estimated that a federal tax refund intercept could collect as much as twice the amount that the state system collects, or at least three hundred thousand dollars (\$300,000), which would decrease budget reductions and increase respect for the judiciary;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that congress be requested to enact

federal legislation that would add unpaid local and state fines and fees to those delinquent obligations that can be intercepted through the United States department of the treasury offset program; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the members of the New Mexico congressional delegation.